

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH HOWARD,

Plaintiff,

Case No. 08-13501

v.

Honorable Patrick J. Duggan

WAYNE COUNTY SHERIFF'S OFFICE,
FRANK WOOD, JOHN HARDIE, and
WAYNE COUNTY,

Defendants.

ORDER GRANTING DEFENDANTS' MOTIONS IN LIMINE

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on July 21, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Presently before the Court is Defendants' motion to exclude evidence of Plaintiff's criminal trial and acquittal. The issue in this case as defined by the Court of Appeals in its Opinion of March 29, 2011, is whether or not the Defendants used excessive force in arresting the Plaintiff. The Court of Appeals affirmed this Court's grant of summary judgment to the Defendants on Plaintiff's false arrest claim ruling, in effect, that Plaintiff's arrest was not unlawful or "false." The Court, however, felt that the issue of whether or not excessive force was used was an issue to be decided by the jury. This Court does not believe

that evidence of Plaintiff's criminal trial and acquittal are relevant as to whether or not Defendants used excessive force in effecting the arrest on August 8, 2006. Defendants' motion in limine to exclude evidence of Plaintiff's criminal trial and acquittal is **GRANTED**.

Defendants have also filed a motion in limine to exclude evidence of discipline of Defendant Frank Wood relating to evidence in his personnel file which may relate to prior discipline.

Defendant Wood seeks to preclude admission of any evidence concerning his personnel file or asking questions concerning information in his personnel file and moves to preclude any testimony regarding previous lawsuits in which he was named as a defendant. In this Court's opinion, such evidence has minimal relevance, if any, on the issue of whether or not Defendant would use excessive force on the date in question and further, in this Court's opinion, such evidence would be substantially more prejudicial than probative. For these reasons, Defendants' motion is **GRANTED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

LaNita R. Haith
James M. Surowiec
Robert S. Gazall